

FILED

MAY 30 2008

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 08-08-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BOYD ROBIN BURNETT,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 5, 2008. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

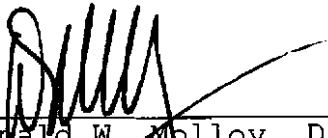
Judge Lynch recommended this Court accept Boyd Robin

Burnett's guilty plea after Burnett appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of conspiracy to distribute 50 or more grams of actual methamphetamine, in violation of 21 U.S.C. § 846 (Count I).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #34) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #20) is GRANTED.

DATED this 30th day of May, 2008.



Donald W. Molloy, District Judge
United States District Court
